

REMARKS

Claims 1-16 and 19-22 are pending in this application and are subject to a restriction requirement. Claims 1 and 19 are amended herein. No new matter is presented by way of the amendments to claims 1 and 19. Support for the amendments to claim 1 is found throughout the specification, including the examples and figures, as originally filed. For example, embodiments of polyproteins comprising the Core, NS3, NS4B and NS5B antigens are described in Example 4 (p. 29), vaccines containing such polyproteins, and additional embodiments are further described in the Examples, beginning with Example 5. Claim 19 is amended solely to clarify antecedent basis.

ELECTION/RESTRICTION

A requirement for restriction has been made under PCT Rule 13.1, and applicant is required to elect an embodiment of the claimed invention wherein the polynucleotide encodes one of:

- (a) HCV core protein (claims 1-6, 9, 19-22);
- (b) HCV NS3 protein (claims 1, 6, 9, 12, 14, 15, 19-22);
- (c) HCV NS4B protein (claims 1, 6, 9, 12, 19-22);
- (d) HCV NS5B protein (claims 1, 6, 9, 12, 13, 19-22), or
- (e) a combination comprising the NSA4B and NSSB [proteins (claims 1, 6, 7, 9, 12, 13, 16, 19-22); or
- (f) a combination thereof comprising the core and NS3 protein (claim 1, 6-10, 12, 14, 15, 19-22), or
- (g) a combination comprising the core and NS5B protein (claims 1, 9-13, 19-22).

In view of the amendment of claim 1 to recite: "An HCV vaccine comprising a polynucleotide that encodes the HCV proteins: Core, NS3, NS4B and NS5B, wherein the polynucleotide encodes no other HCV protein," Applicants believe the election of species is rendered moot because all four proteins must now be encoded together by the polynucleotide (rather than being encoded, *e.g.*, individually and/or in the alternative).

To the extent that the Examiner believes that an election of species is still warranted, Applicants elect species (a) HCV core protein without traverse. Claims 1-16 and 19-22 encompass the elected subject matter. In the event that one or more generic claims (*e.g.*, claim 1) are found allowable, Applicants respectfully request consideration of claims to additional species which include all of the limitations of the allowed generic claim(s), as provided by 37 C.F.R. § 1.141.

Applicants reserve the right to prosecute the subject matter in the non-elected claims, originally filed claims, or any other claims supported by the specification in one or more continuing patent applications.

NOTICE OF RELATED APPLICATION

Applicants take this opportunity to advise the Examiner that currently pending Application No. 10/534,774, on the docket of Examiner Louise Humphrey, contains disclosure related to the subject matter of the instant application.

Respectfully submitted,



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